

# SENATE JOURNAL

OF THE

## IDAHO LEGISLATURE

FIRST REGULAR SESSION  
SIXTY-THIRD LEGISLATURE

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**FIFTY-THIRD LEGISLATIVE DAY**  
**THURSDAY, MARCH 5, 2015**

Senate Chamber

President Little called the Senate to order at 10 a.m.

Roll call showed all members present except Senators Burgoyne, Cameron, and Lodge, absent and excused. [District 17 seat is temporarily vacant.]

Prayer was offered by Chaplain Brent Adamson.

The Pledge of Allegiance was led by Samantha Mooney, Page.

The Senate advanced to the Third Order of Business.

### Reading and Correction of the Journal

The JUDICIARY AND RULES Committee reports that the Senate Journal of the proceedings of March 4, 2015, was read and approved as corrected.

LODGE, Chairman

There being no objection, the report was adopted and ordered filed in the office of the Secretary of the Senate.

On request by Senator Winder, granted by unanimous consent, the Senate advanced to the Sixth Order of Business.

### Reports of Standing Committees

Senator Burgoyne was recorded present at this order of business.

March 5, 2015

The JUDICIARY AND RULES Committee reports that [S 1122](#) has been correctly printed.

LODGE, Chairman

[S 1122](#) was referred to the Finance Committee.

March 4, 2015

The JUDICIARY AND RULES Committee reports that Enrolled [SCR 101](#) was delivered to the Office of the Secretary of State at 2:04 p.m., March 4, 2015.

LODGE, Chairman

The report was ordered filed in the office of the Secretary of the Senate.

March 3, 2015

The STATE AFFAIRS Committee reports it has had under consideration the Gubernatorial reappointment listed below and the Committee recommends that said reappointment be confirmed by the Senate:

Jeff Anderson as the Director of the State Liquor Division, term to expire January 5, 2018.

MCKENZIE, Chairman

The Gubernatorial reappointment was referred to the Tenth Order of Business, Motions and Resolutions, and ordered held at the Secretary's desk for one legislative day.

March 4, 2015

The FINANCE Committee reports out [S 1116](#), [S 1117](#), [S 1118](#), and [S 1119](#) with the recommendation that they do pass.

CAMERON, Chairman

[S 1116](#), [S 1117](#), [S 1118](#), and [S 1119](#) were filed for second reading.

March 4, 2015

The RESOURCES AND ENVIRONMENT Committee reports out [H 50](#) and [H 94](#) with the recommendation that they do pass.

BAIR, Chairman

[H 50](#) and [H 94](#) were filed for second reading.

March 4, 2015

The JUDICIARY AND RULES Committee reports it has had under consideration the Gubernatorial appointment listed below and the Committee recommends that said appointment be confirmed by the Senate:

Kimber Ricks to the State Public Defense Commission, term to expire July 1, 2017.

LODGE, Chairman

The Gubernatorial appointment was referred to the Tenth Order of Business, Motions and Resolutions, and ordered held at the Secretary's desk for one legislative day.

March 4, 2015

The JUDICIARY AND RULES Committee reports out [S 1069](#) with the recommendation that it be referred to the Fourteenth Order of Business for amendment.

LODGE, Chairman

There being no objection, [S 1069](#) was referred to the Fourteenth Order of Business, General Calendar.

March 4, 2015

The EDUCATION Committee reports out [S 1096](#) with the recommendation that it do pass.

MORTIMER, Chairman

[S 1096](#) was filed for second reading.

March 4, 2015

The HEALTH AND WELFARE Committee reports out [H 108](#) and [S 1121](#) with the recommendation that they do pass.

HEIDER, Chairman

[H 108](#) and [S 1121](#) were filed for second reading.

March 4, 2015

The RESOURCES AND ENVIRONMENT Committee reports it has had under consideration the Gubernatorial reappointment listed below and the Committee recommends that said reappointment be confirmed by the Senate:

Sid Cellan to the Oil and Gas Commission, term to expire July 1, 2018.

BAIR, Chairman

The Gubernatorial reappointment was referred to the Tenth Order of Business, Motions and Resolutions, and ordered held at the Secretary's desk for one legislative day.

March 5, 2015

The AGRICULTURAL AFFAIRS Committee reports out [H 114](#) and [S 1113](#) with the recommendation that they do pass.

RICE, Chairman

[H 114](#) and [S 1113](#) were filed for second reading.

On request by Senator Davis, granted by unanimous consent, the Senate advanced to the Eighth Order of Business.

#### Messages from the Governor

March 4, 2015

The Honorable Brad Little  
President of the Senate  
Idaho Legislature

Dear Mr. President:

I have the honor to inform you that Jerry Edgington of Boise, Idaho, was appointed as a member of the Idaho Health Insurance Exchange Board to serve a term commencing February 24, 2015, and expiring April 10, 2017.

This appointment was made subject to confirmation by the Senate. Notice of appointment is hereby given.

As Always - Idaho, *Esto Perpetua*  
/s/ C.L. "Butch" Otter  
Governor

The correspondence was ordered filed in the office of the Secretary of the Senate.

The Gubernatorial appointment was referred to the Commerce and Human Resources Committee.

March 4, 2015

The Honorable Brad Little  
President of the Senate  
Idaho Legislature

Dear Mr. President:

I have the honor to inform you that I have signed today and am transmitting to the Secretary of State the following Senate Bills, to wit:

[S 1018](#) and [S 1028](#)

As Always - Idaho, *Esto Perpetua*  
/s/ C.L. "Butch" Otter  
Governor of Idaho

The correspondence was ordered filed in the office of the Secretary of the Senate.

The Senate advanced to the Ninth Order of Business.

#### Messages from the House

March 4, 2015

Dear Mr. President:

I transmit herewith [HCR 15](#), [H 156](#), [H 148](#), [H 129](#), [H 143](#), [H 153](#), [H 178](#), [H 99](#), [H 53](#), as amended, [H 120](#), as amended, and [H 137](#), as amended, which have passed the House.

ALEXANDER, Chief Clerk

[HCR 15](#), [H 156](#), [H 148](#), [H 129](#), [H 143](#), [H 153](#), [H 178](#), [H 99](#), [H 53](#), as amended, [H 120](#), as amended, and [H 137](#), as amended, were filed for first reading.

March 4, 2015

Dear Mr. President:

I transmit herewith Enrolled [HCR 5](#), [H 76](#), and [H 85](#) for the signature of the President.

ALEXANDER, Chief Clerk

The President signed Enrolled [HCR 5](#), [H 76](#), and [H 85](#) and ordered them returned to the House.

The Senate advanced to the Tenth Order of Business.

#### Motions and Resolutions

On request by Senator Davis, granted by unanimous consent, [SCR 102](#) retained its place on the calendar for Monday, March 9, 2015.

On request by Senator Davis, granted by unanimous consent, [SCR 111](#) retained its place on the calendar for Friday, March 6, 2015.

Senator Cameron was recorded present at this order of business.

The President announced that the Commerce and Human Resources Committee report relative to the Gubernatorial reappointment of Joy Fisher was before the Senate for final consideration, the question being, "Shall the report be adopted?"

On motion by Senator Schmidt, seconded by Senator Tippets, the Gubernatorial reappointment of Joy Fisher as a member of the Public Employee Retirement System of Idaho Board was confirmed by voice vote.

The President declared the report adopted and directed the Secretary of the Senate to prepare a letter of the Gubernatorial reappointment confirmation for his signature, attested to by the Secretary, to be transmitted to the Governor informing him of the action of the Senate.

The President announced that the Local Government and Taxation Committee report relative to the Gubernatorial appointments of Elliot Werk was before the Senate for final consideration, the question being, "Shall the report be adopted?"

On motion by Senator Stennett, seconded by Senator Davis, the Gubernatorial appointment of Elliot Werk as a member of the State Tax Commission was confirmed by voice vote.

The President declared the report adopted and directed the Secretary of the Senate to prepare a letter of the Gubernatorial appointments confirmations for his signature, attested to by the Secretary, to be transmitted to the Governor informing him of the action of the Senate.

The Senate advanced to the Eleventh Order of Business.

**Introduction, First Reading, and Reference of Bills, House Petitions, Resolutions, and Memorials**

**S 1123  
BY JUDICIARY AND RULES COMMITTEE  
AN ACT**

RELATING TO THE INDIGENT SICK; AMENDING SECTION 31-3502, IDAHO CODE, TO DEFINE TERMS AND TO MAKE TECHNICAL CORRECTIONS; AMENDING SECTION 31-3503A, IDAHO CODE, TO REVISE PROVISIONS REGARDING THE POWERS AND DUTIES OF THE BOARD OF THE CATASTROPHIC HEALTH CARE COST PROGRAM; AMENDING SECTION 31-3503B, IDAHO CODE, TO REVISE PROVISIONS REGARDING RECIPROCAL AGREEMENTS AND OUT-OF-STATE PROVIDERS AND TO REMOVE A CODE REFERENCE; AMENDING SECTION 31-3504, IDAHO CODE, TO REVISE PROVISIONS REGARDING APPLICATIONS FOR FINANCIAL ASSISTANCE AND TO MAKE TECHNICAL CORRECTIONS; AMENDING SECTION 31-3505, IDAHO CODE, TO REVISE PROVISIONS REGARDING APPLICATIONS FOR FINANCIAL ASSISTANCE AND TO MAKE TECHNICAL CORRECTIONS; AMENDING SECTION 31-3505A, IDAHO CODE, TO REVISE PROVISIONS REGARDING INVESTIGATIONS OF CERTAIN APPLICATIONS AND TO MAKE TECHNICAL CORRECTIONS; AMENDING SECTION 31-3505C, IDAHO CODE, TO REVISE PROVISIONS REGARDING DECISIONS ON CERTAIN APPLICATIONS AND TO MAKE TECHNICAL CORRECTIONS; AMENDING SECTION 31-3505D, IDAHO CODE, TO REVISE PROVISIONS REGARDING APPEALS AND TO MAKE A TECHNICAL CORRECTION; AMENDING SECTION 31-3505E, IDAHO CODE, TO REVISE PROVISIONS REGARDING APPEAL HEARINGS AND TO MAKE A TECHNICAL CORRECTION; AMENDING SECTION 31-3505G, IDAHO CODE, TO REVISE PROVISIONS REGARDING PETITIONS FOR JUDICIAL REVIEW AND TO MAKE A TECHNICAL CORRECTION; AMENDING SECTION 31-3508, IDAHO CODE, TO REVISE TERMINOLOGY AND TO MAKE A TECHNICAL CORRECTION; AMENDING SECTION 31-3508A, IDAHO CODE, TO REVISE PROVISIONS REGARDING PAYMENTS MADE BY AN OBLIGATED COUNTY AND TO MAKE A TECHNICAL CORRECTION;

AMENDING SECTION 31-3511, IDAHO CODE, TO REVISE PROVISIONS REGARDING VIOLATIONS AND PENALTIES AND TO MAKE A TECHNICAL CORRECTION; AMENDING SECTION 31-3517, IDAHO CODE, TO PROVIDE THAT COUNTY COMMISSIONER MEMBERS OF THE BOARD SHALL BE REIMBURSED FROM THE CATASTROPHIC HEALTH CARE COST ACCOUNT AND TO MAKE A TECHNICAL CORRECTION; AND AMENDING SECTION 67-7903, IDAHO CODE, TO PROVIDE A CORRECT CODE REFERENCE AND TO MAKE A TECHNICAL CORRECTION.

**S 1124  
BY JUDICIARY AND RULES COMMITTEE  
AN ACT**

RELATING TO JUVENILE CORRECTIONS; AMENDING SECTION 20-507, IDAHO CODE, TO PROVIDE A CODE REFERENCE; AMENDING SECTION 20-511, IDAHO CODE, TO PROVIDE THAT CERTAIN FILES AND REFERENCES SHALL BE SEALED UPON COMPLETION OF DIVERSION; AND AMENDING SECTION 20-525A, IDAHO CODE, TO REVISE TERMINOLOGY, TO PROVIDE THAT A JUVENILE MAY PETITION FOR SEALING RECORDS FOR A CERTAIN MISDEMEANOR, TO PROVIDE A CODE REFERENCE, TO PROVIDE FOR AN ORDER OF SEALING RECORDS ON A CHARGE INVOLVING A STATUS OFFENSE, TO REMOVE REFERENCE TO A HEARING, TO PROVIDE FOR SEALING RECORDS WHERE THE JUVENILE IS FOUND NOT TO HAVE COMMITTED AN OFFENSE, TO REVISE PROVISIONS RELATING TO CRIMES FOR WHICH A COURT MAY NOT SEAL A JUVENILE'S RECORD, TO REVISE PROVISIONS RELATING TO THE PROCESS OF DETERMINING IF RECORDS SHALL BE SEALED, TO REVISE PROVISIONS RELATING TO WHICH RECORDS SHALL BE SEALED, TO PROVIDE THAT ONLY CERTAIN PERSONS MAY VIEW THE SPECIAL INDEX OF THE SEALING PROCEEDINGS, TO PROVIDE FOR INQUIRIES INTO A SEALED JUVENILE RECORD, TO PROVIDE THAT ONLY CERTAIN PERSONS MAY VIEW THE RECORDS OF A JUVENILE WHOSE RECORD WAS SEALED, TO PROVIDE NOTICE OF THE RIGHT TO SEAL RECORDS TO CERTAIN INDIVIDUALS AND TO DEFINE A TERM.

**S 1125  
BY FINANCE COMMITTEE  
AN ACT**

APPROPRIATING MONEYS TO THE SECRETARY OF STATE FOR FISCAL YEAR 2016; AND LIMITING THE NUMBER OF AUTHORIZED FULL-TIME EQUIVALENT POSITIONS.

**S 1126  
BY FINANCE COMMITTEE  
AN ACT**

APPROPRIATING MONEYS TO THE DEPARTMENT OF FINANCE FOR FISCAL YEAR 2016; LIMITING THE NUMBER OF AUTHORIZED FULL-TIME EQUIVALENT POSITIONS; AND PROVIDING LEGISLATIVE INTENT FOR THE MORTGAGE RECOVERY FUND.

**S 1127  
BY FINANCE COMMITTEE  
AN ACT**

APPROPRIATING MONEYS TO THE STATE LIQUOR DIVISION FOR FISCAL YEAR 2016; AND LIMITING THE NUMBER OF FULL-TIME EQUIVALENT POSITIONS.

**S 1128**  
**BY FINANCE COMMITTEE**  
 AN ACT

APPROPRIATING MONEYS TO THE OFFICE OF SPECIES CONSERVATION FOR FISCAL YEAR 2016; AND LIMITING THE NUMBER OF AUTHORIZED FULL-TIME EQUIVALENT POSITIONS.

**S 1129**  
**BY FINANCE COMMITTEE**  
 AN ACT

APPROPRIATING MONEYS TO THE STATE INDEPENDENT LIVING COUNCIL FOR FISCAL YEAR 2016; AND LIMITING THE NUMBER OF AUTHORIZED FULL-TIME EQUIVALENT POSITIONS.

**S 1130**  
**BY FINANCE COMMITTEE**  
 AN ACT

APPROPRIATING MONEYS TO THE IDAHO STATE LOTTERY FOR FISCAL YEAR 2016; LIMITING THE NUMBER OF AUTHORIZED FULL-TIME EQUIVALENT POSITIONS; AND PROVIDING LEGISLATIVE INTENT.

**S 1131**  
**BY FINANCE COMMITTEE**  
 AN ACT

APPROPRIATING MONEYS TO THE OFFICE OF THE LIEUTENANT GOVERNOR FOR FISCAL YEAR 2016; LIMITING THE NUMBER OF FULL-TIME EQUIVALENT POSITIONS; AND EXEMPTING APPROPRIATION OBJECT TRANSFER LIMITATIONS.

**S 1132**  
**BY FINANCE COMMITTEE**  
 AN ACT

APPROPRIATING MONEYS TO THE REGULATORY BOARDS FOR FISCAL YEAR 2016; AND LIMITING THE NUMBER OF AUTHORIZED FULL-TIME EQUIVALENT POSITIONS.

**S 1133**  
**BY FINANCE COMMITTEE**  
 AN ACT

APPROPRIATING MONEYS TO THE DEPARTMENT OF FISH AND GAME FOR FISCAL YEAR 2016; AND LIMITING THE NUMBER OF AUTHORIZED FULL-TIME EQUIVALENT POSITIONS.

S 1123, S 1124, S 1125, S 1126, S 1127, S 1128, S 1129, S 1130, S 1131, S 1132, and S 1133 were introduced, read the first time at length, and referred to the Judiciary and Rules Committee for printing.

HCR 15, by State Affairs Committee, was introduced, read at length, and referred to the State Affairs Committee.

H 156, by Local Government Committee, was introduced, read the first time at length, and referred to the Local Government and Taxation Committee.

H 148, by Agricultural Affairs Committee, was introduced, read the first time at length, and referred to the Agricultural Affairs Committee.

H 129, by Transportation and Defense Committee, was introduced, read the first time at length, and referred to the Transportation Committee.

H 143, by Transportation and Defense Committee, was introduced, read the first time at length, and referred to the Commerce and Human Resources Committee.

H 153 and H 178, by Health and Welfare Committee, were introduced, read the first time at length, and referred to the Health and Welfare Committee.

H 99, by Business Committee, was introduced, read the first time at length, and referred to the Commerce and Human Resources Committee.

H 53, as amended, by Transportation and Defense Committee, was introduced, read the first time at length, and referred to the State Affairs Committee.

H 120, as amended, by Commerce and Human Resources Committee, was introduced, read the first time at length, and referred to the Commerce and Human Resources Committee.

H 137, as amended, by Judiciary, Rules, and Administration Committee, was introduced, read the first time at length, and referred to the Commerce and Human Resources Committee.

The Senate advanced to the Twelfth Order of Business.

**Second Reading of Bills**

S 1114 and S 1115, by Finance Committee, were read the second time at length and filed for third reading.

S 1075 and S 1077, by Commerce and Human Resources Committee, were read the second time at length and filed for third reading.

H 122, by Education Committee, was read the second time at length and filed for third reading.

H 133, by Revenue and Taxation Committee, was read the second time at length and filed for third reading.

S 1107, by State Affairs Committee, was read the second time at length and filed for third reading.

H 29, as amended in the Senate, by Revenue and Taxation Committee, was read the second time at length and filed for third reading.

S 1040, as amended, by Judiciary and Rules Committee, was read the second time at length and filed for third reading.

S 1080, as amended, by Commerce and Human Resources Committee, was read the second time at length and filed for third reading.

S 1059, as amended, by Resources and Environment Committee, was read the second time at length and filed for third reading.

S 1071, as amended, by Education Committee, was read the second time at length and filed for third reading.

S 1056, as amended, by Judiciary and Rules Committee, was read the second time at length and filed for third reading.

S 1070, as amended, by Education Committee, was read the second time at length and filed for third reading.

The Senate advanced to the Thirteenth Order of Business.

### Third Reading of Bills

Senator Lodge was recorded present at this order of business.

**S 1025** was read the third time at length, section by section, and placed before the Senate for final consideration. Senator Davis arose as sponsor of the bill and opened the debate. The question being, "Shall the bill pass?"

Roll call resulted as follows:

AYES—Bair, Bayer, Brackett, Buckner-Webb, Burgoyne, Cameron, Davis, Den Hartog, Guthrie, Hagedorn, Heider, Hill, Johnson, Keough, Lacey, Lakey, Lee, Lodge, Martin, McKenzie, Mortimer, Nonini, Nuxoll, Patrick, Rice, Schmidt, Siddoway, Souza, Stennett, Thayn, Tippetts, Vick, Ward-Engelking, Winder. Total - 34. [District 17 seat is temporarily vacant.]

Whereupon the President declared **S 1025** passed, title was approved, and the bill ordered transmitted to the House.

**S 1109** was read the third time at length, section by section, and placed before the Senate for final consideration. Senator Davis arose as sponsor of the bill and opened the debate. The question being, "Shall the bill pass?"

Roll call resulted as follows:

AYES—Bair, Bayer, Brackett, Buckner-Webb, Burgoyne, Cameron, Davis, Den Hartog, Guthrie, Hagedorn, Heider, Hill, Johnson, Keough, Lacey, Lakey, Lee, Lodge, Martin, McKenzie, Mortimer, Nonini, Nuxoll, Patrick, Rice, Schmidt, Siddoway, Souza, Stennett, Thayn, Tippetts, Vick, Ward-Engelking, Winder. Total - 34. [District 17 seat is temporarily vacant.]

Whereupon the President declared **S 1109** passed, title was approved, and the bill ordered transmitted to the House.

**S 1104** was read the third time at length, section by section, and placed before the Senate for final consideration. Senator Nonini arose as sponsor of the bill and opened the debate. The question being, "Shall the bill pass?"

Roll call resulted as follows:

AYES—Bair, Bayer, Brackett, Buckner-Webb, Burgoyne, Cameron, Davis, Den Hartog, Guthrie, Hagedorn, Heider, Hill, Johnson, Keough, Lacey, Lakey, Lee, Lodge, Martin, McKenzie, Mortimer, Nonini, Nuxoll, Patrick, Rice, Schmidt, Siddoway, Souza, Stennett, Thayn, Tippetts, Vick, Ward-Engelking, Winder. Total - 34. [District 17 seat is temporarily vacant.]

Whereupon the President declared **S 1104** passed, title was approved, and the bill ordered transmitted to the House.

**S 1110** was read the third time at length, section by section, and placed before the Senate for final consideration. Senator Keough arose as sponsor of the bill and opened the debate. The question being, "Shall the bill pass?"

Roll call resulted as follows:

AYES—Bair, Bayer, Brackett, Buckner-Webb, Burgoyne, Cameron, Davis, Den Hartog, Guthrie, Hagedorn, Heider, Hill, Johnson, Keough, Lacey, Lakey, Lee, Lodge, Martin, McKenzie, Mortimer, Nonini, Nuxoll, Patrick, Rice, Schmidt, Siddoway, Souza, Stennett, Thayn, Tippetts, Vick, Ward-Engelking, Winder. Total - 34. [District 17 seat is temporarily vacant.]

Whereupon the President declared **S 1110** passed, title was approved, and the bill ordered transmitted to the House.

**S 1072** was read the third time at length, section by section, and placed before the Senate for final consideration. Senator Souza arose as sponsor of the bill and opened the debate.

On request by Senator Souza, granted by unanimous consent, **S 1072** retained its place on the Third Reading Calendar for Monday, March 9, 2015.

On request by Senator Davis, granted by unanimous consent, **H 15**, as amended in the Senate, retained its place on the Third Reading Calendar for Monday, March 9, 2015.

**S 1095** was read the third time at length, section by section, and placed before the Senate for final consideration. Senator Hagedorn arose as sponsor of the bill and opened the debate.

On request by Senator Hagedorn, granted by unanimous consent, **S 1095** retained its place on the Third Reading Calendar for one legislative day.

On request by Senator Davis, granted by unanimous consent, all Senate bills were placed at the head of the Third Reading Calendar, followed by House bills amended in the Senate, followed by House bills.

On request by Senator Davis, granted by unanimous consent, the Senate advanced to the Fifteenth Order of Business.

### Miscellaneous Business

On motion by Senator Davis, seconded by Senator Stennett, by voice vote, the Senate adjourned at 11:30 a.m. until the hour of 10 a.m., Friday, March 6, 2015.

BRAD LITTLE, President

Attest: JENNIFER NOVAK, Secretary